

## **REMARKS**

Applicant acknowledges receipt of the Office action dated February 17, 2009. Claims 1-10 were pending in the application and were examined. By this paper, claims 1-7, 9, and 10 are amended and new claims 11-20 are presented. Accordingly, upon entry of this Amendment, claims 1-20 will remain pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **I. SPECIFICATION**

The specification stands objected to for certain informalities. Applicant has amended the specification according to the Examiner's suggestions. Therefore, reconsideration and withdrawal of this objection are respectfully requested.

### **II. CLAIM OBJECTIONS**

Several claims stand objected to for certain informalities. Applicant has amended the claims according to the Examiner's suggestions. Therefore, reconsideration and withdrawal of these objections are respectfully requested.

### **III. REJECTION UNDER 35 U.S.C. § 102**

Claims 1-7, 9, and 10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Rowell* (WO 01/20718). This rejection is respectfully traversed.

As amended herein, independent claim 1 recites an antenna device for a portable radio communication device comprising, among other things, a first electrically conductive radiating element, a second electrically conductive radiating element, a

controllable switch between the first and second radiating elements, the state of the switch being controlled by means of a control voltage input and ***a filter comprising a resistor*** arranged between the second radiating element and the control voltage input ***such that the filter has a purely resistive impedance.***

In contrast, *Rowell* discloses an controllable antenna having a control signal filtered using an LC network. Specifically, *Rowell's* antenna 400 includes a first radiating element 421, a second radiating element 422, and a switching element 460 arranged between the radiating elements 421, 422. See *Rowell*, page 9, lines 6-10. A switching element 460 is connected between the radiating elements 421, 422. See *Rowell*, page 9, lines 13-14. ***The switch 460 “is connected to a control signal via a resistor 503 and a LC network comprising an inductive element 502 and a capacitive element 504”*** and the inductive element 502 is arranged to eliminate feedback of radiofrequency signals. *Rowell*, page 9, lines 15-16.

Accordingly, *Rowell* fails to disclose ***a filter comprising a resistor*** arranged between a second radiating element and the control voltage input ***such that the filter has a purely resistive impedance*** as recited by independent claim 1. Instead, *Rowell* discloses, at most, a filter that includes both a resistor 503 and an inductive element 502. ***Rowell's filter, therefore, has both a resistive and a reactive impedance.*** Hence, *Rowell* does not disclose a filter having a purely resistive impedance as recited by independent claim 1.

For at least this reason, *Rowell* does not anticipate claim 1. The Examiner is, therefore, respectfully requested to reconsider and withdraw the rejection of claim 1 and claims 2-7 and 9 which depend therefrom.

Similarly, amended claim 10 recites a portable radio communication device comprising, among other things, an antenna device. The antenna device includes **a filter comprising a resistor** arranged between a second radiating element and a control voltage input **such that the filter has a purely resistive impedance**.

As discussed above with respect to claim 1, *Rowell* discloses a filter (503 and 504 in FIG. 5) having both a resistive impedance and a reactive impedance. Accordingly, *Rowell* does not disclose a filter having a purely resistive impedance as recited by claim 1. Therefore, the Examiner is respectfully requested to reconsider and withdraw the rejection of independent claim 10.

#### **IV. REJECTION UNDER 35 U.S.C. § 103**

Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Rowell* (WO 01/20718). This rejection is respectfully traversed.

Claim 8 depends from independent claim 1 and is allowable for at least the same reasons given above in connection with independent claim 1. Reconsideration and withdrawal of the rejection of claim 8 is respectfully requested.

#### **V. NEW CLAIMS**

Newly presented claims 11-20 introduce no new matter and variously depend from independent claims 1 and 10. For at least the reasons discussed above with respect to independent claims 1 and 10, Applicant submits new dependent claims 11-18 are allowable over the cited references. In addition, dependent claims 11-18 are believed to be allowable because the cited references do not disclose, teach, or suggest

the additional features recited by these claims 11-18 (in combination with the features recited in the independent claim 1 or 10 from which they depend).

New independent claim 19 recites a method of operating an antenna device comprising, among other things, filtering the control voltage input with a filter having a purely resistive impedance. This is not disclosed, taught, or suggested by the cited references. Accordingly, for at least the same reasons discussed above with respect to independent claims 1 and 10, Applicant submits that new independent method claim 19 (and claim 20 depending therefrom) is allowable over the cited references.

## **VI. CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (314) 726-7500.

Applicant believes that no fee is due with this filing. If, however, Applicant owes any additional fee(s), the Commissioner is hereby authorized to charge the fee(s) to Deposit Account No. **08-0750**. In addition, if there is ever any other fee deficiency or overpayment under 37 C.F.R. §1.16 or 1.17 in connection with this patent application, the Commissioner is hereby authorized to charge such deficiency or overpayment to Deposit Account No. **08-0750**.

Respectfully submitted,

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